

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

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Rebecca Katsikas	*	Case No.
David A. McKay-Katsikas,	*	
husband and wife	*	JURY TRIAL DEMANDED
3807 Littleton Road	*	
Monroe, NH 03771	*	
	*	
Plaintiff	*	
	*	
vs.	*	
	*	
Chocolate Town Inn, Inc. d/b/a Days Inn	*	
of Hershey	*	
350 West Chocolate Ave.	*	
Hershey, PA 17033	*	
	*	
Defendant		

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**COMPLAINT**

The Plaintiffs, Rebecca Katsikas and David A. McKay-Katsikas, husband and wife, through their undersigned counsel and for its Complaint against Chocolate Town Inn, Inc. d/b/a Days Inn of Hershey:

**PARTIES**

1. Plaintiff, Rebecca Katsikas, (hereinafter "Plaintiff") is an adult and competent individual with a residential address of 3807 Littleton Road Monroe, NH 03771.

2. Plaintiff, David A. McKay-Katsikas, (hereinafter "Plaintiff") is an adult and competent individual with a residential address of 3807 Littleton Road Monroe, NH 03771.

3. Defendant, Chocolate Town Inn, Inc. d/b/a Days Inn of Hershey (hereinafter "Days Inn") is a Pennsylvania Corporation is a business located in the Commonwealth of Pennsylvania with a principal place of business located at 350 West

Chocolate Ave, Hershey, PA 17033.

4. The Plaintiffs demand a trial by jury on all triable issues in this matter.

#### **JURISDICTION AND VENUE**

5. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1332, as there is diversity between the parties and the amount in controversy exceeds Seventy – Five Thousand (\$75,000) exclusive of interest and costs of this action.

6. Venue is properly laid in this judicial district because the events giving rise to Plaintiff's claim occurred in this judicial district.

#### **FACTUAL ALLEGATIONS**

7. At all times relevant hereto Defendant, Days Inn, owned and operated and was in possession and control of a hotel located at 350 West Chocolate Ave, Hershey, PA 17033.

8. At all times relevant hereto Defendant, Days Inn, had a duty to maintain the premises, including but not limited to sidewalks outside of the hotel, in a reasonably safe condition, free from fall hazards.

9. On July 17, 2024, Rebecca Katsikas was walking on the sidewalk outside of the hotel located at 350 West Chocolate Ave Hershey, PA 170033 when she suddenly and without warning encountered a dangerous and unmarked raised obstruction on the sidewalk.

10. At the time of the aforementioned trip and fall Plaintiff was a business invitee on the subject premises.

11. Unable to avoid it, Plaintiff tripped on the subject defect on the sidewalk causing her to fall forward and land face first on the concrete.

12. At all times relevant hereto Defendant, Days Inn, had under their care, supervision, control, maintenance, and/or was responsible for the care, supervision, control, and/or maintenance of the sidewalk in the aforementioned location.

13. At all times relevant hereto Defendant, Days Inn, knew or reasonably should have known that the defective condition that caused Plaintiff, Rebecca Katsiakas', fall would not be avoidable to her and/or other pedestrians and/or that it created a dangerous fall hazard.

**COUNT I**

**NEGLIGENCE**

**Rebecca Katsikas**

**vs.**

**Chocolate Town Inn, Inc. d/b/a Days Inn of Hershey**

14. The above paragraphs are fully incorporated by reference as if the same were set forth fully herein at length.

15. At all times relevant hereto Days Inn had notice, either actual or constructive of the existence of the aforesaid dangerous condition.

16. The aforesaid dangerous condition was caused by the negligence of the Defendant in:

- a. Failing to maintain the sidewalk and keep it free from dangerous obstructions;
- b. Failing to warn pedestrians of the obstruction;
- c. Failing in its duty to provide a safe and well-maintained environment for residents and visitors;

d. Utterly neglecting the repair and maintenance of the sidewalk, causing catastrophic consequences;

17. Defendant knew or should have known of presence of this obstruction on the sidewalk, which was located on the sidewalk for a significant period of time which could have been discovered and corrected through the exercise of reasonable care on the part of the Defendant.

18. Solely as a result of the negligence and carelessness of the Defendant the Plaintiff, Rebecca Katsikas, has been obliged to receive medical attention and care and to expend various sums of money for injuries she suffered and may be obliged to continue to expend monetary sums for an indefinite period of time in the future.

19. As a result of her injuries the Plaintiff, Rebecca Katsikas, has also sustained a permanent diminution in her ability to enjoy life and life's pleasures in that she is unable to engage in the many activities she engaged in prior to the accident.

20. As a result of the aforesaid injuries the Plaintiff, Rebecca Katsikas, has endured pain and suffering and the effects of her injuries and trauma are likely to cause pain, stiffness, soreness, limitation, humiliation, and embarrassment for an indefinite period of time in the future.

21. As a result of the collision and injuries sustained by the Plaintiff, they suffered and continue to suffer loss of earning capacity and power and loss of income and/or impairment of earning capacity and power, which losses are alleged to be permanent for which a claim is hereby made.

22. Solely as a result of Defendant's negligence and carelessness, Plaintiff, Rebecca Katsikas, herein sustained severe and permanent injuries, including but not

limited to severe injury to her face, teeth, right hand, and right shoulder causing great and intense pain and suffering.

WHEREFORE, Plaintiff, Rebecca Katsikas, demands judgment in her favor and against Defendant in an amount in excess of Seventy – Five Thousand Dollars (\$75,000.00) plus interests and costs and any other relief this Court deems just and appropriate.

**COUNT II**

**LOSS OF CONSORTIUM**

**David A. McKay-Katsikas**

**vs.**

**Chocolate Town Inn, Inc. d/b/a Days Inn of Hershey**

20. The above paragraphs are fully incorporated by reference as if the same were set forth fully herein at length.

21. The Plaintiff, David A. McKay-Katsikas, brings this cause of action for loss of consortium.

22. By reason of the negligence of the Defendant, Days Inn, the Plaintiff, David A. McKay-Katsikas, has been and will continue to be deprived of the consortium, society, comfort, support, protection, service, and affection of his wife, Plaintiff, Rebecca Katsikas, as a result of the injuries she sustained on July 17, 2024.

WHEREFORE, Plaintiff, David A. McKay-Katsikas, demands judgment in her favor and against Defendant in an amount in excess of Seventy – Five Thousand

Dollars (\$75,000.00) plus interests and costs and any other relief this Court deems just and appropriate.

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By:   
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